



CITY OF MEMPHIS

COUNCIL AGENDA

October 6, 2009

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (September 15, 2009)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION approving an honorary street name change of Lauderdale St. for Mr. William Thomas Fowlkes III, between E.H. Crump Blvd. and Mississippi Blvd.
Fullilove

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a street/alley closure located on Delp Street at-grade railroad crossing, south of Pidgeon Roost Road, containing .40 acres. (Held from 9/15)
Morrison Case No. SAC 09-606

Applicant: BNSF Railway
W. Max Rexroad/Hanson-Wilson, Inc. – Representative

Request: Close Delp Street at its at-grade railroad crossing south of Pidgeon Roost Road

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

11 NOTICES MAILED ON SEPTEMBER 4, 2009

3. RESOLUTION approving a planned development located on the existing western terminus of Market Plaza Drive and Germantown Parkway, containing 2.99 acres in an area currently governed by PD 08-326.

Morrison

Case No. PD 09-316

Applicant: TomBo Properties
John B. Maxwell – Representative

Request: Delete the requirement to extend Kate Bond Road from Interstate 40 south to Bellevue Parkway

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

86 NOTICES WERE MAILED ON SEPTEMBER 18, 2009

4. RESOLUTION approving a planned development located on the southeast corner of U.S. Highway 64 and Reid Hooker Road, containing 176.27 acres in an area currently governed by P.D. 05-385.

Morrison

Case No. PD 09-317

Applicant: Marshall Gordon
The Bray-Davis Firm, LLC - Representative

Request: Planned development amendment to reduce the commercial area, expand the area of apartment uses, add retirement living, a school, church and live/work spaces above the commercial and office uses as additional uses are permitted

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

27 NOTICES WERE MAILED ON SEPTEMBER 18, 2009

DIVISION OF PLANNING & DEVELOPMENT

5. RESOLUTION approving a use variance located on the south side of Poplar Avenue; 625 feet east of Ridgeway Road intersection, containing 1.132 acres in the General Office (O-G) District.

Morrison

Case No. UV 09-04

Applicant: Sharkey's Gulf Grill, LLC

Request: Amend site plan to enlarge a restaurant use previously approved by a use variation

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Public Hearing Required; No Opposition at LUCB

6. RESOLUTION approving a Hotel Motel Waiver for Quality Inn, located at 6068 Macon Cove.

Morrison

Case No. HMW 09-02

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

7. **ORDINANCE** to amend Chapter 21, Code of Ordinances, City of Memphis, to amend certain sections of Ordinance No. 5217, Article III of the Code of Ordinances regulating Junk and Scrap Metal Dealers, up for F I R S T reading.

Hedgepeth

Ordinance No. 5332

ACTION REQUESTED: Adopt the ordinance on First reading

8. **ORDINANCE** to amend Section 18-19, of Chapter 18, Article II, of the existing City Code of Ordinances to reflect current state law, specifically Tennessee Code Annotated Section 10-3-103, to set forth the terms that govern the appointment of members of the Memphis Library Board of Trustees, up for F I R S T reading.

Brown

Ordinance No. 5333

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING

9. **ORDINANCE** to amend Chapter 28, Article VI, Division 3, of the Code of Ordinances, so as to reduce the number of allowable False Alarms, include civil damages and add notification process of alarm users operating without a permit, up for S E C O N D reading.

Hedgepeth

Ordinance No. 5328

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** to revise Chapter 15, Section 15-11(d), of the City of Memphis Code of Ordinances, pertaining to the dimensions of Limbs and Logs collected by the City of Memphis, up for S E C O N D reading.

Boyd

Ordinance No. 5329

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on Second reading

11. **ORDINANCE** to revise Chapter 15, Section 15-19(a), of the City of Memphis Code of Ordinances, pertaining to the removal of Construction and Demolition Debris by property owners, up for S E C O N D reading.

Boyd

Ordinance No. 5330

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **ORDINANCE** to amend Cable Franchise Ordinance No. 4159, extending the Franchise Ordinance as amended, up for S E C O N D reading.

Boyd

Ordinance No. 5331

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING (None)

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

13. RESOLUTION approving final plat of BAPTIST MEMORIAL HOSPITAL PD, PHASE 5, DRAINAGE IMPROVEMENTS.

Case No. PD 82-016

Contract No. CR-5147

Resolution approves the final plat located on the southside of Walnut Grove Road, east of I-240. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. **NOTATIONS FROM OPD**

NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. SAC 09-605 – OLD HOLMES ROAD CLOSING

Beginning at a point approximately 1,500 feet west of Bledsoe Road and extending west 709.75 feet, containing .97 acre

Applicant: Mark H. and Melinda M. George
ETI Corporation – Rodney Joyner – Representative

Request: Close a remnant portion of existing right-of-way left abandoned as a result of the construction of a new Holmes Road overpass over the Burlington Northern Railroad

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. SAC 09-608 – IDA PLACE ALLEY CLOSING

Beginning on the west side of Neptune Street, 99.76 feet north of Ida Place and extending 525 feet west, containing 018 acre

Applicant: LeMoyne-Owen College
Dan Graddy – ETI Corporation – Representative

Request: Close and vacate an existing, unimproved alley

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 09 -311 – HARBERT AVENUE PLANNED DEVELOPMENT

Located on the north side of Harbert Avenue; +/-310 feet east of South Bellevue Boulevard, containing 0.21 acre (9,147.60 sq. ft.) in the Single Family Residential (R-S6) Historic Preservation (HP) District

Applicant: Brook & Marissa Loper
Harkavy-Shainberg-Kaplan-Dunstan, PLC – Representative

Request: Planned development to allow renovation and use of the property as a triplex and obtain separate utility meters of the tenants

LUCB recommendation: REJECTION

OPD recommendation: HOLD FOR THIRTY (30) DAYS

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: October 20, 2009

GENERAL ITEM

15. RESOLUTION congratulating the Memphis Redbirds on winning the 2009 Pacific Coast League Championship.

Strickland

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

16. RESOLUTION awarding Contract No. 11242, Healthcare Claims Audit, to BMI Audit Service, LLC in the funded amount of \$122,500.00.
17. RESOLUTION approving Change No. 2 to Contract No. 11240, Influenza Vaccine, with Methodist Healthcare Alliance Health Services in the funded amount of \$32,000.00. (This renews the contract for the second of four renewal terms, October 20, 2009 to October 19, 2010).
18. RESOLUTION approving Change No. 1 to Contract No. 11304, Insulation and Jacketing Repairs, with Insulation and Refractories Services, Inc. in the funded amount of \$11,175.00, for a new contract total of \$45,675.00. (This covers repairs to the current insulation due to unforeseen damages).
19. RESOLUTION awarding contract for 900 MHZ radios to Edison Automation, Inc. in the amount of \$32,640.00.
20. RESOLUTION awarding contract for cap bank controls to H D Supply in the amount of \$87,882.00.
21. RESOLUTION awarding contract for internet security gateway upgrade to Venture Technologies in the amount of \$143,632.72.
22. RESOLUTION awarding contract for the purchase and installation of substation control house to Atkinson Industries, Inc. c/o HV Sales Co., Inc. in the amount of \$228,889.00.



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REGULAR AGENDA

23.
Flinn

APPOINTMENTS

Citizen Law Enforcement

Appointment

Thomas A. O'Malley

Memphis Community Development Enterprise, Incorporated Board

Appointment

J. Van Menard

Memphis & Shelby County Board of Equalization

Appointment

Edward D. Simmons, Jr.

GENERAL ORDINANCE -THIRD AND FINAL READING

24.

ORDINANCE fixing Tax Rate of the City of Memphis for the Board of Education of the Memphis City Schools, up for T H I R D and F I N A L reading. (Held from 7/7; 7/21; 8/4; 8/18; 9/1; 9/15)

Lowery

Ordinance No. 5319

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

25.

RESOLUTION appropriating \$1,200,000.00 in G.O. Bonds general in FY2010 CIP (IS01007) to replace obsolete equipment and bolster the City's network storage capacity. This project was approved by City Council in the FY2010 CIP budget.

Collins

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION approving a lease agreement with Praxair, Inc., as approved by the Board of Commissioners of the Memphis and Shelby County Port Commission on November 19, 2008.

Collins

Contract No. CR-5146

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION requesting the Memphis City Charter Commission cease to exist.
Strickland

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION

28. RESOLUTION appropriating funds for the Airport area beautification project.
Conrad

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (None)

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES (None)

DIVISION OF POLICE SERVICES (None)

DIVISION OF PUBLIC SERVICES

29. RESOLUTION including the Animal Shelter Replacement, CIP Project Number PS01010, as part of the FY10 Capital Improvement Budget. The Administration requests to appropriate \$800,000.00 for Cat Condo's, Cages, Kennels and misc. items in Furniture Fixtures and Equipment funded by G.O. Bonds General for the Animal Shelter Replacement.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT